

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

STUDENTS FOR FAIR ADMISSIONS,  
INC.,

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Plaintiff,

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v.

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PRESIDENT AND FELLOWS OF  
HARVARD COLLEGE (HARVARD  
CORPORATION),

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Defendant.

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Civil Action No. 14-cv-14176-ADB

**ORDER SETTING CASE FOR TRIAL**

BURROUGHS, D.J.

A non-jury trial in the above-captioned case shall commence on **October 15, 2018 at 10:00 A.M.** in Courtroom #17 on the 5th floor. The parties should be prepared to proceed with opening statements (which will be optional) and the presentation of evidence at that time. The schedule for trial will generally be 10:00 A.M. to 4:00 P.M. daily.

The Court further ORDERS as follows:

1. Pretrial Disclosures. In preparation for the Final Pretrial Conference addressed in paragraph 7, and in accordance with Fed. R. Civ. P. 26(a)(3) and Local Rule 16.5(C), by **September 7, 2018**, the parties shall disclose to each other the following information about the evidence that they may present at trial (other than solely for impeachment):

a. the name and, if not previously provided, the address and telephone number of each witness—separately identifying those the party expects to present and those it may call if the need arises;

b. the designation of those witnesses whose testimony the party expects to

present by deposition and, if not taken stenographically, a transcript of the pertinent parts of the deposition; and

c. an identification of each document or other exhibit, including summaries of other evidence—separately identifying those items the party expects to offer and those it may offer if the need arises.

2. Objections to Pretrial Disclosures. Following the parties' pretrial disclosures addressed in paragraph 1, by **September 14, 2018**, each party shall serve on the other a list describing any objections to the other party's pretrial disclosures and the grounds therefor. Pursuant to Local Rule 16.5(C), these objections shall be a subject of the meeting described in paragraph 4 and, only if not able to be resolved by the parties, shall be presented to the Court in the parties' Trial Briefs described in paragraph 6. Objections not so disclosed, other than objections under Rules 402 and 403 of the Federal Rules of Evidence, are waived according to Fed. R. Civ. P. 26(a)(3) unless excused by the Court for good cause.

3. Motions *in limine*. By **September 17, 2018**, the parties shall file any motions *in limine*. The Court will hear argument on any such motions at the Final Pretrial Conference addressed in paragraph 7.

4. Obligation of Counsel to Confer. In further preparation for the Final Pretrial Conference, pursuant to Local Rule 16.5(D), on or before **September 26, 2018**, the parties shall meet in person to discuss and negotiate settlement of the action, to narrow the issues to be tried, and to prepare the Joint Pretrial Memorandum addressed in paragraph 5.

5. Joint Pretrial Memorandum. By **October 1, 2018**, counsel shall jointly prepare and file a Joint Pretrial Memorandum setting forth the information prescribed by Local Rule 16.5(D).

6. **Trial Briefs.** Also by **October 1, 2018**, each party shall separately prepare and file a Trial Brief, pursuant to Local Rule 16.5(F), which sets forth the following:

- a. Any requests regarding foreseeable disputes concerning evidentiary issues, including authority for the ruling requested, that were not already raised in a motion *in limine*;
- b. A proposed, succinct and neutral statement summarizing the principal claims and defenses of the parties.

7. **Final Pretrial Conference.** Pursuant to Fed. R. Civ. P. 16 and Local Rule 16.5, counsel shall appear for a Final Pretrial Conference on **October 3, 2018 at 10:00 A.M.** in Courtroom #17.

Counsel are cautioned that failure to comply fully with this Order may result in sanctions to be imposed by the Court. The parties may, by agreement and without further Court action, modify any dates in this Order except for hearing and trial dates and those dates by which pleadings must be filed with the Court.

**SO ORDERED.**

May 23, 2018

/s/ Allison D. Burroughs  
ALLISON D. BURROUGHS  
DISTRICT JUDGE